

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MERLE NICHOLS on behalf of himself
and all others similarly situated,

Plaintiff,

GEICO GENERAL INSURANCE
COMPANY, a foreign automobile
insurance company,

Defendant.

CASE NO. 2:18-cv-01253-TL

ORDER OF REFERENCE & SETTING JURY TRIAL DATE AND RELATED DATES

This action is assigned to the Honorable Tana Lin, United States District Judge. All future documents filed in this case must bear the cause number 2:18-cv-01253-TL-MAT. The Court has reviewed the files and records herein and determined that certain pretrial matters are appropriate to refer to a U.S. Magistrate Judge as described below.

Pursuant to 28 U.S.C. § 636(b)(1)(A) and Local Magistrate Judge Rule (“MJR”) 3, the Court hereby refers to U.S. Magistrate Judge Mary Alice Theiler all pretrial matters pertaining to discovery. Federal Rule of Civil Procedure 72(a) governs any objections to U.S. Magistrate Judge Mary Alice Theiler’s rulings concerning any non-dispositive motions. *See also* MJR 3(b).

Accordingly, the Court ORDERS that the above-entitled action is referred to U.S. Magistrate Judge Mary Alice Theiler for the specific purposes and types of motions described

1 herein. The Court further Directs and Empowers U.S. Magistrate Judge Mary Alice Theiler to
 2 conduct hearings and make further necessary orders consistent with 28 U.S.C. § 636, the local
 3 rules, and this Order.

4 The parties are further DIRECTED to confer and submit an updated proposed Discovery
 5 Plan to U.S. Magistrate Judge Mary Alice Theiler within **sixty (60) days** of this Order. If a status
 6 conference would assist the parties in proposing a joint Discovery Plan, they must make a
 7 request to U.S. Magistrate Judge Mary Alice Theiler for a status conference within **thirty (30)**
 8 **days** of this Order.

9 Additionally, having reviewed the Joint Status Report and Discovery Plan submitted by
 10 the parties, the Court hereby SETS this case for trial and ORDERS the following pretrial schedule:

Event	Date
JURY TRIAL SET FOR 9:00 A.M. ON	Monday, October 30, 2023
Length of trial	14 days
Updated joint proposed discovery plan due to U.S. Magistrate Judge Mary Alice Theiler by	Monday, May 2, 2022
Disclosure of expert testimony under FRCP 26(a)(2) due	Thursday, March 30, 2023
Disclosure of rebuttal expert testimony under FRCP 26(a)(2) due	Friday, April 28, 2023
All motions related to discovery must be filed by	Monday, May 1, 2023
Discovery completed by	Tuesday, May 30, 2023
All dispositive motions and motions challenging expert witness testimony must be filed by this date (<i>see</i> LCR 7(d))	Friday, June 30, 2023
Settlement Conference, if mediation has been requested by the parties per LCR 39.1, held no later than	Monday, July 31, 2023
Mediation per LCR 39.1, if requested by the parties, held no later than	Wednesday, August 30, 2023
All motions in limine must be filed by	Monday, September 25, 2023
Agreed LCR 16.1 Pretrial Order due	Monday, October 9, 2023

1 Trial briefs, proposed voir dire questions, proposed jury instructions, deposition designations, and exhibit lists due by this date. Counsel are to confer and indicate with their submissions which exhibits are agreed to.	2 Monday, October 16, 3 2023
4 Pretrial Conference scheduled for 9:30 a.m. on	5 Monday, October 23, 6 2023

7 All other dates are specified in prior scheduling orders or the Local Civil Rules. With the
8 exception of the deadlines described in Section II(G) of Judge Lin's Standing Order for All Civil
9 Cases, the dates set forth in this order are firm dates that can be changed only by order of the
10 Court, not by agreement of counsel for the parties. The Court will alter these dates only upon
11 good cause shown. Failure to complete discovery within the time allowed is not recognized as
12 good cause. Judge Lin will not decrease the amount of time between the dispositive motion or
13 motion in limine deadlines and the trial date unless the parties set forth an extraordinary basis for
14 doing so. Any changes in the dispositive motion or motion in limine deadlines will result in a
change of the trial date. If any of the dates identified in this Order or the Local Civil Rules fall on
a weekend or federal holiday, the act or event shall be performed on the next business day.

15 If the trial date assigned to this matter creates an irreconcilable conflict, counsel must
16 provide written notice to Courtroom Deputy Kadya Peter at Kadya_Peter@wawd.uscourts.gov
17 within ten (10) days of the date of this Order and must set forth the exact nature of the conflict. A
18 failure to do so will be deemed a waiver. Counsel must be prepared to begin trial on the date
19 scheduled, but it should be understood that the trial may have to await the completion of other
20 cases.

21 COOPERATION

22 As required by LCR 37(a), all discovery matters are to be resolved by agreement if
23 possible. Counsel are also directed to cooperate in preparing the final pretrial order in the format
24 required by LCR 16.1, except as ordered below.

25 EXHIBITS

The original and one copy of the trial exhibits are to be delivered to Judge Lin's
Order of Reference & Setting Jury Trial Date and Related Dates - 3

1 chambers five days before the trial date. Each exhibit shall be clearly marked. The Court hereby
2 alters the LCR 16.1 procedure for numbering exhibits: Plaintiff(s)' exhibits shall be numbered
3 consecutively beginning with P-1; defendant(s)' exhibits shall be numbered consecutively
4 beginning with D-1. Joint exhibits shall be numbered consecutively beginning with J-1.
5 Duplicate documents shall not be listed twice. Each exhibit shall be printed double-sided unless
6 there is a specific need to not do so. Once a party has identified an exhibit in the pretrial order, it
7 may be used by any party. Each set of exhibits shall be submitted in a three-ring binder with
8 appropriately numbered tabs.

9 **PRIVACY**

10 Pursuant to LCR 5.2(a), parties shall refrain from including, or shall partially redact
11 where inclusion is necessary, the following personal data identifiers from all documents filed
12 with the court or used as exhibits in any hearing or at trial, unless otherwise ordered by the court:

13 • Dates of Birth – redact to the year of birth, unless deceased.
14 • Names of Minor Children – redact to the initials, unless deceased or currently over the
15 age of 18.
16 • Social Security or Taxpayer Identification Numbers – redact in their entirety.
17 • Financial Accounting Information – redact to the last four digits.
18 • Passport Numbers and Driver License Numbers – redact in their entirety.

19 Parties in social security appeals and immigration cases shall comply with LCR 5.2(c).
20

21 **SETTLEMENT**

22 If this case settles, counsel shall notify Kadya Peter via email at
23 Kadya_Peter@wawd.uscourts.gov as soon as possible. Pursuant to LCR 11(b), an attorney who
24 fails to give the Courtroom Deputy prompt notice of settlement may be subject to such discipline
25 as the Court deems appropriate.

1 Dated this 3rd day of March 2022.
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Honorable Tana Lin
United States District Judge